

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHELSEA TORRES and JESSAMY TORRES,
individually and as next friends and parents of
A.T., a minor child, on behalf of themselves
and all others similarly situated,

JUDGMENT IN A CIVIL CASE

Plaintiffs,

Case No. 15-cv-288-bbc

v.

LINDA SEEMEYER, in her official capacity as
Secretary of the State of Wisconsin
Department of Health Services,

Defendant.

This action came before the court for consideration with District Judge Barbara B. Crabb presiding. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of plaintiffs Chelsea Torres and Jessamy Torres, individually and as next friends and parents of A.T., a minor child, on behalf of themselves and all others similarly situated, against defendant Linda Seemeyer, in her official capacity as Secretary of the State of Wisconsin Department of Health Services, declaring that the Wisconsin Department of Health Service's practice before May 2, 2016 of enforcing Wis. Stat § 891.40(1) against female married couples but not different-sex couples is unconstitutional.

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of plaintiffs enjoining defendant as follows:

1. Defendant Linda Seemeyer and her officers, agents, employees, and attorneys, and all others who work in concert with Defendant in connection with registration of births and issuance of birth certificates, are hereby enjoined from enforcing Wis. Stat § 891.40(1) against members of the Plaintiff Class who completed a birth certificate worksheet prior to May 2, 2016, and are hereby directed to construe Wis. Stat § 891.40(1) in gender-neutral terms. In particular, the word “husband” in Wis. Stat § 891.40(1) should be construed to mean “spouse.”
2. The parties shall provide notice to members of the Plaintiff Class of the Court’s Opinion and of the steps described below for obtaining a correct birth certificate (“Notice”) via: (1) the Department of Health Services’ (DHS) website; (2) Plaintiffs’ counsel Lambda Legal’s website; (3) the Wisconsin Bar’s Family Law listserv; (4) the national LGBT Bar’s Family Law listserv; (5) a request to the statewide LGBT organization, Fair Wisconsin, to share with their electronic mailing list; (6) a request to *Our Lives*, a magazine distributed statewide and targeting LGBT readers, which also has a significant electronic mailing list and digital presence, to share with its readers; and (7) a request to the ACLU of Wisconsin to share with their electronic mailing list.
3. The content of the Notice shall be substantially the same as Exhibit A, which is incorporated by reference as part of this judgment.
4. DHS shall prepare a birth certificate listing both parents for each marital child and mail the corrected birth certificate to the parents no later than ten (10) days after receipt of a letter from a Plaintiff Class member containing the information provided for in the Notice, Exhibit A.

Approved as to form this 30th day of September, 2016.

Barbara B. Crabb

Barbara B. Crabb
District Judge

Peter Oppeneer

Peter Oppeneer
Clerk of Court

9/30/16
Date